

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**212**

**CRM-M-28205-2020  
Decided on : 21.12.2020**

Sehbaj

. . . Petitioner

Versus

State of Punjab

. . . Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

**(Through Video Conferencing)**

**PRESENT:** Mr. Amritpal Singh , Advocate  
for the petitioner.

Mr. H.S. Multani, AAG, Punjab  
assisted by SI Satwinder Singh.

\*\*\*\*

**MANJARI NEHRU KAUL, J. (Oral)**

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 15, dated 24.01.2020, under Sections 302, 307, 341, 120-B, 201 and 34 of the Indian Penal Code 1860 and Sections 25, 27, 54 and 59 of the Arms Act, 1959 registered at Police Station City-2, Malerkotla, District Sangrur.

Learned counsel for the petitioner submits that the petitioner, who has been in custody since 29.01.2020, has been arraigned as an accused in the case in hand on the basis of a weak evidence in the form of the alleged disclosure statement of the co-accused Ahmed Hassan @ Kaka made before the investigating agency. It has been submitted that a perusal of the disclosure statement reveals that the only role attributed to the petitioner by the co-accused is that he too had conspired with him in the commission of the alleged crime. Learned counsel submits that the challan was filed on 16.04.2020 and trial is unlikely to conclude in the near future as the charges have not yet been framed in the case in hand.

*Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has submitted that the delay in framing of charges has been on account of outbreak of pandemic COVID-19. However, he has not been able to controvert the factum regarding the name of the petitioner having been arraigned only on the basis of the disclosure statement made by the co-accused.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**December 21, 2020**

*J.Ram/S.Sharma*

*Whether speaking/reasoned:*      *Yes/No*

*Whether Reportable:*                *Yes/No*